SUBJECT INDEX

Page

I.

Questions Presented 3

II.

Statement of the Case 3

(a) The Facts Involved 3

(b) These Lawsuits 5

(c) The Proceedings for Preliminary Injunctions 6

(d) The Appeals 8

(e) Matters at Present Before the Three-Judge Court 8

(f) Matters Before Congress 9

III.

Argument 10

Appendix A. Interdepartmental Correspondence re: Allocation of Responsibilities on the Outer Continental Shelf

Letter From Robert E. Jordan, III, Special Assistant (Civil Functions), Department of the Army, to Stewart L. Udall .....App. p. 1

Letter From David S. Black, Under Secretary of the Interior to Mr. Jordan .....App. p. 4

TABLE OF AUTHORITIES CITED

Cases	Page
Alabama v. Texas, 347 U.S. 272	10
Alabama v. United States, 279 U.S. 229, 49 S. Ct. 266	11
Best v. Humboldt Placer Mining Co., 371 U.S. 334, 83 S. Ct. 379	10
Bi-Metallic Investment Co. v. State Board of Equalization, 239 U.S. 441, 36 S. Ct. 141	11
Gibson v. Chouteau, 80 U.S. (13 Wall.) 93	10
Keyes v. School District No. 1, Denver, Colorado, 396 U.S. 1216, 90 S. Ct. 12	11

Statutes	
Code of Federal Regulations, Title 33, Sec. 209.120(g)(3)	5, 13
United States Code, Title 42, Sec. 4331	10
United States Code, Title 43, Secs. 1331-1343	6
United States Code, Title 43, Sec. 1337	4
United States Code, Title 43, Sec. 4331	8
United States Constitution, Art. IV, Sec. 3, Ch. 2	10
United States Constitution, Ninth Amendment	6

IN THE

Supreme Court of the United States

October Term, 1970
No. 695

ALVIN WEINGAND, JACK D. KISCH, REYNOLDS YATER, JINNIE HUGLIN, NORMAN SANDERS, MARGARET D. GREENWALD, ARTHUR DAYTON, LEWIS MOTTER SMITH, MRS. GEORGE M. SIDENBERG, JR., MRS. KENNETH PECK, ROBERT O. EASTON, CHARLES M. CAMPBELL, JR., KENNETH MILLAR, WILLIAM URE, JAMES BOTTOMS, FRED EISSLER, NORMAN S. NYCE, MRS. H. R. BENHAM, JR.,

Petitioners,

vs.

WALTER J. HICKEL, Secretary of the Interior; WILLIAM T. PECORA, Director United States Geological Survey, D. W. SOLANAS, Regional Supervisor, Oil and Gas Division, United States Geological Survey; LEE A. DUBRIDGE, Science Advisor to the President of the United States; JOHN S. STEINHART, Office of Science and Technology and Executive Secretary to the Special Panel on the Future of the Union Oil Lease; GULF OIL COMPANY; MOBIL OIL CORPORATION; TEXACO INC., UNION OIL CO.,

Respondents.

COUNTY OF SANTA BARBARA, a political subdivision of the State of California, and THE CITY OF SANTA BARBARA, a municipal corporation of the State of California,

Petitioners,

vs.

WALTER J. HICKEL, Secretary of the Interior, United States of America; D. W. SOLANAS, Regional Supervisor, Oil and Gas Division, United States Geological Survey; UNION OIL COMPANY OF CALIFORNIA, a California corporation; PAULEY PETROLEUM, a corporation; MOBIL OIL CORPORATION, a New York corporation; PHILLIPS PETROLEUM COMPANY, a corporation; WESTERN OFFSHORE DRILLING AND EXPLORATION COMPANY, a corporation; STANDARD OIL COMPANY, a corporation; HUMBLE OIL COMPANY, a corporation; PETER BAWDEN DRILLING, INC., a Delaware corporation; GULF OIL COMPANY, a

(Continued on next page)

Pennsylvania corporation; TEXACO INC., a Delaware corporation; and ATLANTIC-RICHFIELD OIL CORPORATION, a corporation;

Respondents.

COUNTY OF SANTA BARBARA, a political subdivision of the State of California, THE CITY OF SANTA BARBARA, a municipal corporation of the State of California; ALVIN WEINGAND; JACK D. KISCH; REYNOLDS YATER; JINNIE HUGLIN; NORMAN SANDERS; MARGARET D. GREENWALD; ARTHUR DAYTON; LEWIS MOTTER SMITH; MRS. GEORGE M. SIDENBERG, JR.; MRS. KENNETH PECK; ROBERT O. EASTON; CHARLES M. CAMPBELL, JR.; KENNETH MILLAR; WILLIAM URE; JAMES BOTTOMS; FRED EISSLER; NORMAN S. NYCE; MRS. H. R. BENHAM, JR.,

Petitioners,

vs.

ROBERT J. MALLEY, Los Angeles District Engineer, Corps of Engineers, UNION OIL COMPANY OF CALIFORNIA, a California corporation; MOBIL OIL CORPORATION, a New York corporation; PHILLIPS PETROLEUM COMPANY, a Delaware corporation; STANDARD OIL COMPANY OF CALIFORNIA, a California corporation; HUMBLE OIL AND REFINING COMPANY, a Delaware corporation; TEXACO, INC., a Delaware corporation; ATLANTIC-RICHFIELD COMPANY, a Pennsylvania corporation; GULF OIL COMPANY, a Pennsylvania corporation; PAULEY PETROLEUM, INC., a Delaware corporation; COLORADO OIL AND GAS CORPORATION, a Delaware corporation; MESA PETROLEUM CO., a Delaware corporation; McCULLOCH OIL CORPORATION OF CALIFORNIA, a Delaware corporation; J. M. HUBER CORPORATION, a New Jersey corporation; HUSKY OIL COMPANY OF DELAWARE, a Delaware corporation; SUN OIL COMPANY, a New Jersey corporation; SHELL OIL COMPANY, a Delaware corporation,

Respondents.

Response of Humble Oil and Refining Company, Shell Oil Company, Atlantic-Richfield Oil Company, Phillips Petroleum Corporation, Standard Oil Company of California, and Sun Oil Company of California to Petition for a Writ of Certiorari.

I.

Questions Presented.

The questions presented by petitioners do not arise in quite the form they state them. The most that can be said is as follows:

(1) Did the District Court abuse its discretion in refusing preliminary injunctions to prevent the development of oil leases issued by the United States, given:

(a) The leases were lawfully issued;

(b) Plaintiffs' claim was that interested parties are entitled to hearings before the Departments of the Interior and Army over whether development should take place; and,

(c) No statute or regulation provided for such hearings?

(2) Are costs on appeal within the discretion of the Appellate Court?

(3) Should action on this petition for certiorari be delayed on the chance that an appeal will come before this Court raising related questions?

II.

Statement of the Case.

(a) The Facts Involved.

The Outer Continental Shelf Lands Act (hereinafter the O.C.S. Act), reciting "an urgent need" for development of the oil and gas deposits of the Outer Continental Shelf of the United States, authorized oil

and gas leases. 43 U.S.C. § 1337. Accordingly, on February 28, 1968, the United States issued leases in the Santa Barbara Channel, collecting upwards of $600 million for the awards. While no statute required that hearings be granted, in fact, the Department of the Interior granted a hearing to local governments before leasing. In addition, there were extensive informal communications between the Federal and local authorities in advance of the making of the leases. The Santa Barbara-Ventura coastline has been the subject of oil development for many years. It had, in 1968, upwards of 200 wells drilled under State leases from platforms within the three-mile limit.

On January 28, 1969, an oil spill took place from a well operated on what is known as Platform A, owned by Union, Texaco, Gulf and Mobile. The Secretary of the Interior thereafter shut down Santa Barbara Channel oil operations on February 7, 1969, and authorized resumption on April 2, 1969, after receiving the report of a presidential special commission known as the "DuBridge Commission". The commission recommended producing oil from certain zones in order to lower pressures and decrease leakage.

The federal leases grant the right to extract oil and gas. Applicable regulations require that the actual program for development be submitted to the Department of the Interior, step by step, so that each stage is reviewed before implementation. Once Interior approves the drilling of a particular well, or the installation of a particular platform, in navigable waters, it is then necessary for the companies to obtain a permit from the Army Engineers to make the necessary offshore installa-

tions. The Engineers do not normally hold hearings with respect to installations theretofore approved by the Department of the Interior. These practices were originally fixed by letters between the Departments,[1] the object being to avoid unseemly interdepartmental conflict. When departmental practice was challenged in this case, the practice followed by the departments was made express by regulation.[2] At the present time, there are upwards of 1000 O.C.S. wells operating which were drilled under these practices in various waters of the United States.

(b) These Lawsuits.

Three cases are presented by plaintiffs' petition: The *first, Weingand v. Hickel* is a suit against Secretary Hickel and the four companies which owned the well involved in the January 28, 1969, spill. It sought an injunction against implementation of the recommendations of the DuBridge Commission without a prior hearing and release of certain data. The basic part of the DuBridge Commission's recommendations was that, to prevent further leakage pressures should be promptly lowered in the oil zones whence leakage comes by producing oil from those zones. (Leakage in one degree or another from those zones to the surface has been a continuing problem long antedating oil production, or indeed, human habitation in the area.)

The *second* suit, filed at a later date, *Santa Barbara v. Hickel,* is against the Secretary, the four Platform A companies, and almost all other companies operating in the Channel under United States leases. (No suit

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[1]Record, pp. 175-178; Appendix A hereto.

[2]33 C.F.R. 209.120(g)(3).

has been brought against State leaseholders.) It asserts that the O.C.S. Act, 43 U.S.C. §§ 1331-1343, is unconstitutional. The theories stated are an improper delegation of legislative authority to the Secretary, asserted want of due process in that hearings are not held, and an asserted Ninth Amendment "right to beauty." The complaint also claims that the Secretary was not authorized to issue the leases. Obviously, the O.C.S. Act did so authorize.

The *third* lawsuit, *Santa Barbara v. Malley,* sought to enjoin the District Engineer (of the Army Engineers) from issuing permits for the construction of platforms or the drilling of wells under O.C.S. leases without having a public hearing.

(c) The Proceedings for Preliminary Injunctions.

The defendants who have joined in this response are parties to *Santa Barbara v. Hickel,* and *Santa Barbara v. Malley,* not to *Weingand.* They were not involved in the Platform A spill. But plaintiffs have mixed up all three cases in their papers and proceedings, and the Court of Appeals' opinions combine *Weingand* and *Santa Barbara v. Hickel.* Therefore, we describe all three.

First, as to *Weingand:*

In *Weingand,* in a complaint filed July 10, 1969, the individual plaintiffs sought a preliminary injunction against implementation of the recommendations of the DuBridge Commission unless a hearing was first held and certain data was first made public. That injunction was denied, the Court finding, *inter alia,* that any such interference by the Court might well increase the hazard of oil leakage onto the coast.

Second, as to *Santa Barbara v. Hickel:*

Shortly after the filing of *Santa Barbara v. Hickel*, a motion for summary judgment, seeking a declaration of the unconstitutionality of the O.C.S. Act, was made by plaintiffs before a three-judge court. About three months after that, a motion for preliminary injunction was made on papers bearing the captions of all three cases, but referring solely to proceedings in *Weingand*. The gist of the latter motion was that a preliminary injunction had previously been denied in *Weingand* on the assumption that the DuBridge Commission's recommendations would be implemented only in part, and, plaintiffs asserted, that more was happening. So far as *Santa Barbara v. Hickel* is concerned, the motion for a preliminary injunction rested entirely on the claim that the O.C.S. Act is unconstitutional. However, in ruling on the motion for summary judgment, the three-judge court rejected the claim of unconstitutionality, of the O.C.S. Act and denied the motion, finding the Act constitutionally valid. The District Judge, one of the members of the three-judge court, then denied the plaintiffs' motion for preliminary injunction.

Third, as to *Malley:*

In *Malley*, the motion for preliminary injunction was based principally on the theory that the regulations of the Department of the Army required a hearing. The District Court found that they did not.

In all cases, the District Court found that, in addition, plaintiffs had not shown that they would be injured by a denial of a preliminary injunction; that defendants had shown they would suffer very great damage should such an injunction be awarded; that a substantial bond would be required if an injunction

were to be issued, and plaintiffs had indicated no willingness or ability to provide such a bond.

(d) The Appeals.

While the appeal was pending in *Malley*, the rules of the Army Engineers were amended to specify that a hearing would "not ordinarily be granted" on an application to construct facilities to implement an Interior Department O.C.S. lease. This put into the regulations a practice previously followed under an exchange of letters between the Departments (see footnote 1, page 5). The appeal was argued on the rules in effect at the time of the argument, and decided accordingly.

In all three cases on appeal (and to some extent at the trial level), plaintiffs argued that all statutes and rules in question should be construed to require a hearing to save their constitutionality. In general, the Court of Appeals declined to act on this argument because the questions of constitutionality were before the three-judge court.

(e) Matters at Present Before the Three-Judge Court.

Plaintiffs have gone beyond the record in these cases to suggest that jurisdiction should be retained in this Court because related matters before the three-judge court could come here on direct appeal. Since the matters before the three-judge court may not be related to the issues raised in plaintiffs' petition, some supplementation is necessary to give a complete picture.

Plaintiffs now have pending, among others, a motion to amend the complaints in the cases before the three-judge court to attempt to state claims under the National Environmental Policy Act of 1969, 43 U.S.C. §§ 4331, *et seq*. Those motions are opposed on the

ground that the effect would be to interject new issues (concerning a statute not yet adopted when the complaints were filed) which properly belong to a single Judge, not a three-judge court, since such issues are statutory, not constitutional. Plaintiffs have also filed a motion for a new preliminary injunction: (a) to enjoin the Secretary of Interior from "reconsidering" operations in the Santa Barbara Channel without a hearing, and (b) to enjoin the implementation of the "Santa Ynez Unit" without such a hearing. (The Santa Ynez Unit would operate certain leases as a single parcel instead of as separate parcels.) Whether the amendments will be allowed; whether these issues will ultimately be decided by three Judges or one, is of course presently not known to the parties.

(f) Matters Before Congress.

One more item of background needs to be mentioned. Following a review of the Santa Barbara situation, the Administration has made a proposal to Congress for legislation, which essentially would provide that approximately 20 leases be bought back by the United States, and paid for out of oil from the Elk Hills Naval Reserve. Those proposals are presently subject to hearings before the Congress. We mention this simply because our impression is that all these cases are attempts, on one theory or another, to invalidate judicially the Santa Barbara Channel leases. Obviously, in view of the amounts received by the United States for the leases, and the general problem of just compensation (as well as problems of adequte fuel supply), consideration of the advisability of termination of the leases, in whatever manner, presents problems which should be appropriately resolved only by Congress.

III.

Argument.

In the present case, the issues of whether leases should be granted has long since been decided by Congress and the executive branch, acting through the Department of the Interior. The demands for hearings can now relate only to the daily work of authorizing exploratory wells, authorizing platforms, supervising the manner of drilling and depth of the wells, making certain safety precautions are followed, and so on.[3] It cannot be seriously asserted that there is a constitutional right to a hearing at each such step, plaintiffs cite no decisions which support the claim of such a right. Indeed, the right of the United States, under the Constitution, to develop the lands of the United States in whatever fashion Congress wishes, is settled.

United States Constitution, Art. IV, §3, ch. 2;

Best v. Humboldt Placer Mining Co., 371 U.S. 334, 336, 83 S. Ct. 379, 382 (1963);

Alabama v. Texas, 347 U.S. 272, 274 (1954);

Gibson v. Chouteau, 80 U.S. (13 Wall.) 93, 99 (1872).[4]

Moreover, the "hearing" plaintiffs seek is apparently not an adjudicatory hearing, but is rather a sort of town meeting, in which literally millions would have the right to be heard, and in which the merits of off-

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[3]Plaintiffs state that they do not claim a hearing every time the oil companies turn a screw (Pet. p. 4, fn. 2.). But decisions, in detail, of just this sort, *i.e.*, the drilling of particular wells, the construction of particular platforms, and all the detail of ongoing work, is all there.

[4]Plaintiffs assert that the Environmental Policy Act of 1969, 42 U.S.C. 4331 *et seq.*, in some way changed the rule of these cases. That is not explained and is not so.

shore oil production vs. imports, and the ecological and economic effects of each would be debated. The Constitution does not require that policy be formulated in this way.

> *Bi-Metallic Investment Co. v. State Board of Equalization*, 239 U.S. 441, 36 S. Ct. 141 (1915).

So far as *Weingand* and *Santa Barbara v. Hickel* are concerned, the cases involve the purest question of judicial descretion. *Weingand* concerns the propriety of the DuBridge Commission's recommendations. That Commission was specially appointed by the President to advise concerning further action, after the January 28, 1969 spill. Its advice included the recommendation that depletion of certain reservoirs should go promptly forward, in order to minimize leakage. The Court was surely within its discretion to conclude that judicial interference with the DuBridge recommendations would be imprudent. If the Court chose to enjoin implementation of the recommendations and leakage was the consequence, others, as well as plaintiffs, would suffer loss. Such an exercise of discretion will not be reviewed, absent clear abuse.

> *Keyes v. School District No. 1, Denver, Colorado*, 396 U.S. 1216, 90 S. Ct. 12 (1969);
>
> *Alabama v. United States*, 279 U.S. 229, 49 S. Ct. 266 (1929).

In *Santa Barbara v. Hickel*, the issues were at best spuriously constitutional. The three-judge court was duly convened at plaintiffs' request despite the fragility of their claims of constitutional violation raised by plaintiffs' motion for summary judgment. The court

rejected the claim that there was a constitutional right to a hearing and denied plaintiffs' motion for summary judgment. The court found the O.C.S. Act and its regulations valid. The single district judge, a member of the three-judge court, could hardly then grant a preliminary injunction on the ground that the O.C.S. Act was constitutionally invalid and that the three-judge court was wrong. The proper remedy for plaintiffs is not to ask the Court of Appeals in effect to overrule the three-judge court. Plaintiffs' remedy is to appeal to this Court at the proper time from a final judgment rendered by the three-judge court. Had the Court of Appeals "saved the constitutionlity" of the O.C.S. Act and the regulations by requiring a hearing when the three-judge court had found the Act and regulations valid without benefit of such salvation, the Court of Appeals would have effectively reversed the three-judge court.

Much the same conclusion follows in the *Malley* case, although for different reasons. The *Malley* case is the Army Engineers' case. In making their argument, petitioners omit the critical regulation:

> "Since the Corps of Engineers considers only the effect on navigation and national security, public hearings will not normally be held in connection with applications for permits for artificial islands or fixed structures on Outer Continental Shelf lands under mineral lease from the Department of the Interior which has responsibility for other aspects of the public interest. Public hearings will be held by the Corps of Engineers only when in the District Engineer's judgment opponents have a reasonable complaint based on inter-

ference with navigation or on adverse effects on national security."

33 C.F.R. 209.120(g)(3).

Plaintiffs' proposed "evidence", to be offered before the Engineers, does not direct itself to the location of particular platform or wells. It consists entirely of generalized material relating to desirability of any oil development in the Channel, on the theory that any well may leak, and any platform might be hit by a ship. The Engineers have by now issued permits for hundreds of wells on the California coast within State waters, and at least a thousand offshore in the Gulf. It is surely within their discretion to decide that such general opposition to any oil development anywhere does not justify a deviation from the usual rule spelled out in the regulation cited above.

Beyond that, the injunction is sought prospectively, and not, therefore, on the basis of the showing made by plaintiffs, affidavits, which were concerned entirely with permits now outstanding. The validity of those permits is not now challenged. As to the future, how could the Court of Appeals direct that hearings be routinely held by the Engineers under a regulation which says they routinely will not?

It is clear that there was no abuse of discretion in denying preliminary injunctions. Costs are purely a matter of discretion. *A fortiori* there was no abuse in awarding costs to respondents below.

Concerning the desirability of holding plaintiffs' petition "on ice" until the three-judge court acts, it seems enough to say that no man can foresee when that will be, in view of plaintiffs' restructuring of those cases.

The issue of those cases, such as they are, and whatever they will be, will doubtless stand on their own feet when and if those cases appear here. We respectfully submit that the petition should be denied.

Respectfully submitted,

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Attorneys for Respondent Sun Oil Company of California.

APPENDIX A

Interdepartmental Correspondence on Allocation of Responsibilities on the Outer Continental Shelf

Department of the Army
Washington, D. C. 20310

OCE CIVIL Functions, RAH
77084/89May68
10 May 1968

Honorable Stewart L. Udall
Secretary of the Interior
Washington, D. C. 20240

Dear Mr. Secretary:

I refer to my recent letter concerning the permit issued to Phillips Petroleum Company to install an offshore drilling and offloading platform in the Santa Barbara Channel off Carpinteria, California.

During a conference in my office on 15 February your staff engineer, Mr. Eugene W. Standley indicated that the Department of the Interior attempts to involve the general public interest aspect of offshore drilling leases on the Outer Continental Shelf prior to the actual publication in the Federal Register of proposed acceptance of sealed bids for oil and gas leases. This is done by discussions with the local authorities concerned over the areas to be leased. He indicated that in some instances public hearings are held to give all concerned an opportunity to be heard.

Subsequent to the granting of a leased area, if an oil or gas discovery is indicated, the lessee must obtain a Department of the Army permit in accordance with Section 4 of Outer Continental Shelf Act (43 USC 1341)

APPENDIX A.

Interdepartmental Correspondence re: Allocation of Responsibilities on the Outer Continental Shelf.

Department of the Army
Washington, D. C. 20510

OCE/Civil Functions: RAH
77084/9May68
10 May 1968

Honorable Stewart L. Udall
Secretary of the Interior
Washington, D. C. 20240

Dear Mr. Secretary:

I refer to my recent letter concerning the permit issued to Phillips Petroleum Company to install an offshore drilling and production platform in the Santa Barbara Channel off Carpinteria, California.

During a conference in my office on 15 February your staff engineer, Mr. Eugene W. Standley indicated that the Department of the Interior attempts to resolve the general public interest aspect of offshore drilling leases on the Outer Continental Shelf prior to the announcement in the Federal Register of proposed acceptance of sealed bids for oil and gas leases. This is done by discussions with the local authorities concerned over the areas to be leased. He indicated that in some instances public hearings are held to give all concerned an opportunity to be heard.

Subsequent to the granting of a leased area, if an oil or gas discovery is indicated, the lessee must obtain a Department of the Army permit in accordance with Section 4 of Outer Continental Shelf Act (43 U.S.C. 1333

(f)). Section 4 states that "The authority of the Secretary of the Army to prevent obstructions to navigation in the navigable waters of the United States is hereby extended to artificial islands and fixed structures located on the Outer Continental Shelf." In our consideration of a lessee's application for a permit in compliance with Section 4 of the Act we have found that the matter of the general public interest is again raised either as a result of our public notices or at the public hearing when held.

In order to expedite our consideration of these applications for approval of artificial islands and fixed structures on the Outer Continental Shelf, it was suggested that we look to the Department of the Interior to assume and express the Federal Government's responsibility for all aspects of the general public interest except navigation. In implementing that suggestion we would expect the Department of the Interior to respond promptly to our public notice on an application and that the response would cover all aspects of the general public interest except navigation and national security. We would hold public hearings only when requested by the Department of the Interior; when there was indicated a legitimate objection to the structure from the standpoint of navigation; or when some substantive general interest problem arose which was not covered by the response of the Department of the Interior. In the latter case, we would consult with the Department of the Interior to determine the need for a public hearing and the desirability of joint participation by the Department of the Interior in conducting the hearing.

We believe that this procedure would avoid a repetition of the long delay encountered in our considera-

tion of the recent Phillips Petroleum Company application.

Your favorable consideration of the procedure outlined above should go far in improving the over-all procedure of the Government and the acceptance of our coordinating procedures.

We would appreciate receiving your concurrence or comments at an early date.

Sincerely yours,

(Signed) Robert E. Jordan, III
Robert E. Jordan, III
Special Assistant (Civil Functions)

cc: R. A. Hertzler, Civil Functions 2E621
ASG, OSA
OCE, Room 2306
South Pacific Div.
Los Angeles Dist.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Dear Mr. Jordan:

This Department welcomes the opportunity afforded by your letter of May 10 to offer suggestions on procedure for issuing permits for structures on Outer Continental Shelf leases.

At the outset, it appears that we are faced with a unique situation under which a private party is encouraged to pay more than $11,000 per acre to one agency of the Federal Government for the privilege of lease exploration and development, and then must approach another agency of the same Government for permission to install the necessary facilities. Clearly in these circumstances it is essential that the Government put its own house in order. To the maximum possible extent, the Government should assure that there is no bar to lease development *before* a lease offering is made. Your interest is therefore both timely and appropriate in view of the increasing value being placed on OCS resource-potential.

Your letter refers to measures utilized by this Department to resolve local questions or objections on the area to be leased, including discussions with local authorities and community interests. While we have, in the past, held informal meetings and discussions with local authorities and interested groups and individuals, it is our intention to adopt a formal procedure for receiving the views of all interested parties prior to each sale. In addition to those measures, and of more direct

import here, our pre-lease activities have and will continue to include extensive coordination with affected Federal agencies, including the Department of Defense, Coast Guard and Justice Department, as well as giving full consideration to the fisheries, water quality, outdoor recreation and general scientific interests of this Department. In the Santa Barbara Channel sale of last February, for example, certain blocks were deleted from the lease offering and others encumbered by a "save harmless" clause because of potential interference with defense and space installations in the area. In the Texas sale conducted on May 21, adjustments were made to avoid any conflict with shipping fairways and anchorages essential to adjacent commercial port operations.

It seems to us that the best way to avoid such duplications and delays as were experienced in connection with the Phillips application is to include your navigational interest in the advance coordination process. I would propose, therefore, that the Department of Defense agency (currently the Office of the Assistant Secretary of Defense (Installations and Logistics)) normally providing such coordination service be requested to secure and reflect your views in its general comment on leasing proposals, along with those of the military functions of the Defense Department.

Hopefully, most of the potential problems which might later require your attention would be eliminated in the coordination process. In the discharge of your responsibility toward navigation, a permit requirement should continue. However, inasmuch as our procedures will give local authorities and interested groups an opportunity to present their views in advance of the

sale, objections to the issuance of a permit by you and hearings thereon may be limited to situations where there is a plausible basis for alleging interference with navigation.

We suggest that every effort be made to resolve these matters as soon as possible to provide for the orderly conduct of planned operations in the Santa Barbara Channel. The responses from our two Departments should be effectively coordinated to achieve optimum regulations of these operations on the West Coast and we further suggest that a uniform application of this arrangement be applied to the Gulf Coast when the matters are resolved.

Sincerely yours,

(sgd) David S. Black
Under Secretary of the Interior

Mr. Robert E. Jordan, III
Special Assistant (Civil Functions)
Department of the Army
Washington, D.C. 20310